

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Anotoni Perez Garcia

Date: November 3, 2006

Serial No.: 10/507,138

Group Art Unit: 2612

Filed: September 9, 2004

Examiner: Eric Blount

For: ELECTRONIC EQUIPMENT FOR SAFETY AND CONTROL OF WORKERS

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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UNDER 37 CFR 1.17, 1.136(a) AND 35 USC 41(a)8

Sir:

Applicant(s) hereby petition(s) the Commissioner for Patents to extend the time for filing a response to the outstanding Office Action by 3 months. Enclosed is our check No. 26026 which includes the amount of \$510.00 for the petition fee in accordance with 37 CFR 1.17 computed as:

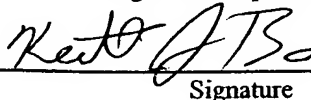
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If this petition is inadequate to avoid abandonment, the Assistant Commissioner for Patents is petitioned, under 37 C.F.R. §1.136(a), to extend the time by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

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Keith J. Barkaus

Name of applicant, assignee or  
Registered Representative  
Signature

November 3, 2006

Date of Signature

Respectfully submitted,



Keith J. Barkaus

Registration No.: 51,431

OSTROLENK, FABER, GERB &amp; SOFFEN, LLP

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New York, New York 10036-8403

Telephone: (212) 382-0700

DAM/KJB:jl



P/4043-146 2612  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pre Patent Application of

Antonio Perez Garcia

Date: December 15, 2006

Serial No.: 10/507,138

Group Art Unit: 2612

Filed: September 9, 2004

Examiner: Eric Blount

For: ELECTRONIC EQUIPMENT FOR SAFETY AND CONTROL OF WORKERS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW ABANDONMENT

Dear Examiner Blount:

In response to the Notice of Abandonment mailed November 15, 2006, the undersigned notes that a timely response to the Office Action was previously filed. An Office Action was mailed by the U.S. Patent and Trademark Office on May 3, 2006. An Amendment in response to this Office Action with a 3 month Extension of Time was filed on November 3, 2006 and included a signed certificate of mailing dated November 3, 2006. A copy of the original submission and the Applicant's return receipt postcard is attached hereto.

The undersigned also attaches a printout of the 'Image File Wrapper' for the above application which can be viewed in 'Private Pair' on the USPTO website. The highlighted section shows that the Patent Office received our entire submission of the Amendment and Extension of Time on November 13, 2006.

In light of all of the foregoing, it is respectfully submitted that if this application was deemed abandoned, such status should be withdrawn and prosecution should be reopened.

If the Examiner does not accept the Applicant's request to withdraw the Notice of Abandonment, Applicant hereby petitions to revive the subject application under 37 C.F.R. §1.137(b) and the Patent Office is hereby authorized to charge the revival fee in the amount of \$1500.00, as set forth in 37 C.F.R. §1.17(m), to Deposit Account No. 15-0700.

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Keith J. Barkaus

Name of applicant, assignee or  
Registered Representative



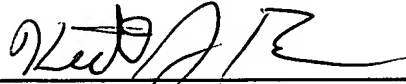
Signature

December 15, 2006

Date of Signature

KJB:jl

Respectfully submitted,



Keith J. Barkaus

Registration No.: 51,431

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Pike Expedition, November 1806, Rocky Mountains

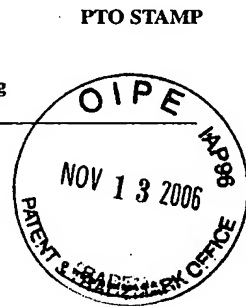
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Serial No. 10/507,138 Filing Date 9/9/04 OFGS File No. D/4043-146  
Title Electronic Equipment for Safety and ...  
First Inventor ANTONIO PEREZ GARCIA Date 11/13/06  
The PTO has received: Last Due Date: 11/13/06 w/

- |                                                                                    |                                                                            |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
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**Available Documents**

Mail Room Date	Document Description	Document Category	Page Count
11-15-2006	<a href="#">Abandonment</a>	PROSECUTION	2
11-13-2006	<a href="#">Amendment - After Non-Final Rejection</a>	PROSECUTION	2
11-13-2006	<a href="#">Specification</a>	PROSECUTION	1
11-13-2006	<a href="#">Claims</a>	PROSECUTION	2
	<a href="#">Applicant Arguments/Remarks Made in an Amendment</a>	PROSECUTION	5
11-13-2006	<a href="#">Extension of Time</a>	PROSECUTION	1
05-03-2006	<a href="#">Non-Final Rejection List of References cited by applicant and considered by examiner</a>	PROSECUTION	8
05-03-2006	<a href="#">List of references cited by examiner</a>	PROSECUTION	1
05-03-2006	<a href="#">Search information including classification, databases and other search related notes</a>	PROSECUTION	1
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09-09-2004	<a href="#">Documents submitted with 371 Applications</a>	PROSECUTION	3
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Anotoni Perez Garcia

Date: November 3, 2006

Serial No.: 10/507,138

Group Art Unit: 2612

Filed: September 9, 2004

Examiner: Eric Blount

For: ELECTRONIC EQUIPMENT FOR SAFETY AND CONTROL OF WORKERS

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**COPY**AMENDMENT/SUBMISSION

Sir:

This is a response to the Office Action mailed May 3, 2006 in the above-identified application. Reconsideration of the application is respectfully requested.

FEE CALCULATION

Any additional fee required has been calculated as follows:

\_\_\_\_\_ If checked, "Small Entity" status is claimed.

	NO. CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		EXTRA PRESENT		RATE	ADDIT. FEE
TOTAL	5	MINUS	20	* =	0	X	(\$25 SE or \$50)	\$0
INDEP.	1	MINUS	3	** =	0	X	(\$100 SE or \$200)	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						X	(\$180 SE or \$360)	\$0

\* not less than 20 \*\* not less than 3

TOTAL \$0

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In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

**SUMMARY OF AMENDMENTS**

1. ☐ If checked, an abstract (an amended abstract) is submitted herewith.
2. ☒ If checked, amendment(s) to the drawings are submitted herewith.
3. ☐ If checked, amendment(s) to the specification are submitted herewith.
4. ☒ If checked, amendment(s) to the claims are submitted herewith.



## **AMENDMENT(S) TO THE SPECIFICATION**

**Please amend the paragraph beginning on page 3, line 28 to read as follows.**

~~-- To complement the description being made and in order to aid a better understanding of the characteristics of the invention, according to an example of a practical embodiment thereof, a single FIGURE is accompanied as an integral part of the description representing the~~

FIG. 1 is an illustration of electronic equipment for safety and control of workers disposed in a basement in accordance with an embodiment of the present invention showing the emergency workers (fire fighter) and the repeaters forming the guide line.

FIG. 2 is an illustration of electronic equipment for safety and control of workers including a personalized fire fighter unit, repeater, pressure gauge and central system and the interaction therebetween in accordance with an embodiment of the present invention.

## LISTING OF THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) Electronic equipment for safety and control of fire fighter workers in a structure characterised in that it consists of: comprising:

a) ~~repeaters: modules forming~~ arranged to form the a ["]guide line["] leading toward an exit of the structure, which receive and transmit voice and data for use in determining positions of the fire fighter workers in the structure;

b) personalized fire fighter units: ~~personalised devices~~ attached to the arm of each fire fighter worker that inform at all times on the status and location of the fire fighter worker and of ~~the device each fire fighter unit~~ itself;

c) pressure gauges: ~~device~~ provided in each autonomous breathing unit (ABU) of a plurality of autonomous breathing units used by the fire fighter workers that informs on the air pressure and remaining breathing time; and

d) a central system[[:] unit that communicates with the personalised personalized fire fighter units either directly or through the repeaters and ~~analyses~~ analyzes the information received with a computer, such that the position of any individual fire fighter worker relative to a repeater in the guide line is determined.

2. (Currently Amended) Repeater The electronic equipment according to claim 1, characterised in that it incorporates wherein the repeaters further comprise:

an audio device operable to provide an audible signal by in the form of short and long beeps (short and long); and

a flashing visible signal that shows the fire fighter workers the way out of the structure, wherein each repeater is connected by radio with the adjacent repeaters of the ["]guide line["] and with the nearby personalized fire fighter units; transmitting and wherein each repeater transmits information upstream from the personalized fire fighter units or from other repeaters to the central system unit, and transmitting also transmits information downstream from the central

system to the personalized fire fighter units by the repeaters, acting and further act as a voice repeater when the fire fighter worker carries a radio transmitter, and incorporating wherein the repeaters further comprise a thermometer whose measurement is sent to the central system.

3. (Currently Amended) ~~Fire fighter unit~~ The electronic equipment according to claim 1, ~~characterised in that it is~~ wherein each personalized fire fighter unit is automatically activated by a motion sensor and that emits, when the motion sensor is activated, a sequence indicating that the fire fighter worker is OK to the central system unit or to the nearest repeater, ~~which then sends it such that the sequence is then sent~~ to the central system unit; and also emits a second sequence indicating that a fire fighter worker is unconscious when no motion is detected over a certain time; ~~receiving the~~ and wherein each personalized fire fighter unit is operable to receive data frames sent by the pressure gauge when the fire fighter is using an ABU autonomous breathing unit and is also operable to sending send them directly to the central system unit or through the nearest repeater, and ~~receiving~~ also operable to receive warnings from the central system.

4. (Currently Amended) ~~Pressure gauge that~~ The electronic equipment according to claim 1, wherein each pressure gauge measures the air pressure and the air time in minutes remaining in ~~the a bottle of the autonomous breathing unit~~ and displays it together with the operational status of the pressure gauge itself in a LCD display, ~~characterised in that it and wherein each pressure gauge~~ also sends this pressure, time and operational status information by radio to the personalised fire fighter unit of the fire fighter worker assigned to it, wherein this assignation is performed at the start of consumption of the ABU autonomous breathing unit air by ~~approaching the bringing the~~ pressure gauge close to the personalised fire fighter unit.

5. (Currently Amended) ~~Central system~~ The electronic equipment according to claim 1, ~~characterised in that it~~ wherein the central system unit receives the information from the personalised fire fighter units either directly or through ~~the a first repeater of the ["]guide line["]~~, and which emits personalised or collective transmissions to the personalised fire fighter units either directly or through the first repeater.

**AMENDMENT TO THE DRAWING(S)**

Fig. 2 has been added. The attached sheet of formal drawing includes new Fig. 2.

### **REMARKS/ARGUMENTS**

The Office Action of May 3, 2006 has been carefully considered. Claims 1-5 are pending in the present application with claim 1 being in independent form. By the present amendment, claims 1-5 have been amended in order to further clarify the features of the present application. One sheet of new drawings have been added including new Fig. 2.

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) as allegedly failing to show every feature of the invention specified in the claims. In particular, the Examiner contends that the fire fighter units, pressure gauges, autonomous breathing unit (ABU) and the "guide line" must be shown in the Figures. As an initial matter, it is believed the FIG 1 illustrates the guide line of repeaters 2, 3, 4 and 5 that lead to the exit of the structure. Nonetheless, a new sheet of drawings is attached hereto including a new FIG. 2 which illustrates exemplary embodiments of the elements identified by the Examiner. The specific embodiments of these elements illustrated in FIG. 2 are consistent with the descriptions thereof included in the specification of the present application. Thus, it is respectfully submitted that no new matter has been added.

Accordingly, it is respectfully requested that the objection to the drawings be reconsidered and withdrawn.

The Examiner objects to the specification and argues that the title on the first page of the specification is not consistent with the title presented in the declaration filed September 9, 2006. Applicant respectfully disagrees.

The first page of the English language specification includes the title "ELECTRONIC EQUIPMENT FOR SAFETY AND CONTROL OF WORKERS." This title exactly matches the title listed on the declaration submitted on September 9, 2004. Thus, it is believed that the titles are consistent.

Accordingly, it is respectfully requested that the objection to the specification be reconsidered and withdrawn.

Claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration of this rejection is respectfully requested.

In particular, the Examiner contends that the phrase “guide line” in claims 1, 2 and 5 renders the claims indefinite because it is unclear what limitations are set forth by the phrase. As is described in the specification, for example at page 3, the “guide line” is formed by a line of repeaters. That is, the guide line refers to the line of repeaters that guides rescue workers toward the exit of the structure. As is further described at page 4 of the specification, the repeaters use visual and audible signals to guide the rescue workers. Thus, it is respectfully submitted that the meaning of the term “guide line” is sufficiently clear in light of the specification.

The Examiner further points out that the limitations “each autonomous breathing unit” lacks sufficient antecedent basis. The Examiner also argues that the term “the way out” in claim 2 renders the claim indefinite because it is unclear what environment the fire fighter is in. The Examiner also notes that the limitation “the bottle” in claim 4 lacks antecedent basis. Claims 2 and 4 have been amended herein in order to clarify the features of the present application and it is believed that the changes to claims 2 and 4 correct the error noted by the Examiner.

The Examiner further argues with respect to Fig. 4 that it is not understood how “approaching the pressure gauge to the personalized fire fighter unit” performs assignment. As is described at page 5 of the specification, the pressure gauge of the autonomous breathing unit (ABU) is assigned to a particular fire fighter using it by approaching, or bringing it near a sensor in the personalized fire fighter unit. Thus, it is believed that the specification makes it clear how the pressure gauge and the personalized fire fighter unit interact.

The Examiner further notes that the limitation “the first repeater” in lines 3 and 5 lacks sufficient antecedent basis. The amendment made to claims 5 herein is believed to correct this error.

Accordingly, it is respectfully requested that the rejection of claims 1, 2, 4 and 5 under 35 U.S.C. §112 be reconsidered and withdrawn.

Claims 1-3 and 5 have been rejected under 35 U.S.C. §103 (a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0008625 to Adams in view of U.S. Patent Publication No. 2004/0021569 to Lepkofker et al. Reconsideration of this rejection is respectfully requested.

The Examiner contends that Adams substantially discloses the features of claim 1 of the present application. However, the Examiner concedes that Adams does not disclose that the fire

fighter units provide at all times the location of the fire fighter. The Examiner argues that Lepkofker et al. discloses this feature. Applicant respectfully disagrees.

Claim 1, as amended herein, relates to electronic equipment for safety and control of fire fighter workers in a structure including repeaters arranged to form a guide line leading toward an exit of the structure, which receive and transmit voice and data for use in determining positions of the fire fighter workers in the structure, personalized fire fighter units attached to the arm of each fire fighter worker that inform at all times on the status and location of the fire fighter worker and of each fire fighter unit itself, pressure gauges provided in each autonomous breathing unit (ABU) of a plurality of autonomous breathing units used by the fire fighter workers that informs on the air pressure and remaining breathing time and a central system unit that communicates with the personalized fire fighter units either directly or through the repeaters and analyzes the information received with a computer, such that the position of any individual fire fighter worker relative to a repeater in the guide line is determined.

Adams, as understood by Applicants, relates to a remote accountability system that includes a command post 102 and at least one portable remote system 103 with a portable unit 106 that transmits data collected from sensor systems 108 to the command post. Repeater units 104 may be provided to increase the range of communication between the portable units 106 and the command post 102.

Lepkofker et al. relates to a personnel and resource tracking method that uses gyroscope and accelerometer data to calculate the location of a person in a structure where GPS is not available. In Lepkofker et al., the user wears a personal tracking unit (PTU) 100 that collects data used to calculate the position of the person and transmits it to a master control station. Repeaters 40 may be used to relay such information.

Adams and Lepkofker et al., however, fail to show or suggest electronic equipment for safety and control of fire fighter workers including “repeaters arranged to form a guide line leading toward an exit of the structure, which receive and transmit voice and data for use in determining positions of the fire fighter workers in the structure,” as is required by amended claim 1 of the present application, for example. While Adams and Lepkofker et al. generally disclose repeaters 104, 40, respectively, there is no disclosure of arranging the repeaters in a guide line that leads toward an exit of the structure, as is required by claim 1 of the present application.

Further, Adams and Lepkofker et al. fails to disclose a central system unit that communicates with personalized fire fighter units either directly or through the repeaters and analyzes the information received with a computer, such that the position of any individual fire fighter worker relative to a repeater in the guide line is determined. While both Adams and Lepkofker et al. generally discloses the use of a central station or system, both of these reference fail to disclose that the central station analyzes information to determine the position of a fire fighter worker relative to a repeater. In Adams, the only locating means provides is a homing device that may be activated on the user and then traced using direction finding equipment. Lepkofker et al. discloses that the central station determines the location of the user, however, such locating is accomplished based on gyroscopic information. Lepkofker et al. does not disclose that a location of a user relative to a repeater is determined.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, including claims 2-5, are patentable over the cited art for at least the reasons described above.


In light of the remarks and amendments made herein, it is respectfully submitted that claims 1-5 are patentable over the cited art and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 3, 2006:

Keith J. Barkaus


Name of applicant, assignee or  
Registered Representative

  
Signature

November 3, 2006

Date of Signature

Respectfully submitted,

  
Keith J. Barkaus

Registration No.: 51,431

OSTROLENK, FABER, GERB & SOFFEN, LLP

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